

19.08.2021
Court No.30
Item No. 282
Krishnendu
ALLOWED

C.R.M. 2333 of 2021

(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Taherpur Police Station Case No. 146 of 2020 dated 14.09.2020 under sections 498A/304B/34 of the Indian Penal Code ;

And

In Re: **Kakali Chaudhury alias Kakuli Debnath & Ors.**

.....
Petitioners

Ms. Minoti Gomes

.....For the Petitioners

Mr. Tanmoy Kr. Ghosh

Ms. Sima Biswas

.....For the State

Apprehending arrest the petitioners have filed this application praying for anticipatory bail.

The gist of the allegations raised against the petitioners is that they abetted the deceased victim to commit suicide after subjecting her to cruelty.

Learned advocate for the petitioners submits that the petitioners are the in-laws members (petitioner no.1- married sister-in-law, petitioner no.2- mother-in-law, petitioner no.3- brother-in-law) and they had no occasion to perpetrate cruelty and abet the victim to commit suicide. It is also submitted that charge sheet in this case has already been submitted under sections 306/498A of the Indian Penal Code, though initially a case under sections 498A/304B/34 of the Indian Penal Code was started against the petitioners. The husband and father-in-law of

deceased are on bail at the moment. In view of the submission of the charge sheet, learned advocate for the petitioners submits that custodial interrogation is not necessary in this case.

Learned advocate for the State raises objections drawing our attention to the statements appearing at pages 12,13,16,17 and 18 and the post-mortem report of the case diary. It is submitted that the deceased victim was put to suffer cruelty in her matrimonial home by the in-laws members and ultimately the victim committed suicide receiving torture and cruelty from the petitioners.

The statements referred to by the State are relatable to the relatives of deceased, and two neighbours residing near to the place of occurrence. The statements are omnibus in nature without revealing any overt act attributable to the conduct of petitioners.

Having considered the submissions of both sides and bearing in mind the omnibus nature of allegations raised against the petitioners together with conclusion of investigation, we are of the considered view that custodial interrogation of the petitioners is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Kakali Chaudhury alias Kakuli Debnath, Kaberi Debnath and Kanchan Debnath**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each to the satisfaction of the

Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No. 2333 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Subhasis Dasgupta, J.)

(Tapabrata Chakraborty, J.)